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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,227	07/11/2001	Debra M. Bell	303.752US1	9969

21186 7590 08/27/2003

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EXAMINER

NGUYEN, HAI L

ART UNIT PAPER NUMBER

2816

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/903,227

Applicant(s)

BELL, DEBRA M.

Examiner

Hai L. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 and 74-84 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49 and 74-84 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 11 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendments received on 3/17/03 has been reviewed and considered with the following results:

Applicant's election without traverse of claims 1-49 and 74-84 in paper No.4 is acknowledged and claims 50-73 have been withdrawn and canceled.

As to the objection to claim 77, Applicant's amendments have overcome the objection, as such; the objection to claim 77 has been withdrawn.

As to the rejections to claims 6-29, under 35 U.S.C. 112, 2nd paragraph, Applicant's amendments have overcome the rejection, as such; the rejections to claims 6-29 have been withdrawn.

The prior art rejections to the claims made in the previous Office Action are now withdrawn in view of Applicant's amendments. However, Applicant's amendments necessitate new ground of rejection as set forth below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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3. Claims 1-19, 21-27, 29-38, 40-47, 74, and 76-84 are rejected under 35 U.S.C. 102(b) as being anticipated by Loughmiller (US 6,448,756).

With regard to claims 41 and 74, Loughmiller discloses in Figs.1-10 a delay locked loop (DLL), and a method of use thereof, comprising a plurality of delay stages (325-0 to 325-N) for applying an amount of delay to an external clock signal (104) to generate a first (as shown in Fig.2C; and see column 4, lines 14-28) and a second delayed signal (when signal TM 126 is activated; and see column 4, line 48 through column 5, line 27); a selector (T0-TN) connected to the delay stages for selecting the first delayed signal to be an internal clock signal (106), wherein the external and internal clock signals are synchronized; a command react circuit (120, 108) connected to the selector, the command react circuit including a first input for receiving a command signal (126) and a second input for receiving a phase detect signal (SL, SR), wherein the command react circuit causes the selector to replace the first delayed signal with the second delayed signal as the internal clock signal when the command signal is activated while the external and internal clock signals are synchronized, wherein the command react circuit causes the selector to replace the second delayed signal with the first delayed signal as the internal clock signal when the phase detect signal is activated and the command signal is not activated; a phase detector (116) for comparing the external and internal clock signals to produce shifting signals (SL, SR); and a controller (108) connected to the delay stages for adjusting the amount of delays based on the shifting signals when the external and internal clock signals are not synchronized.

With regard to claims 42-47, Loughmiller also meets the claimed limitations in these claims.

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Claims 1-7, 9-14, 16-19, 21-23, 25-27, 29-38, 40, and 76-84 are similarly rejected. Note the above discussion with regard to claims 41-47.

With regard to claims 8, 15, and 24, Loughmiller also meets the claimed limitations in these claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 20, 28, 39, 48, 49, and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loughmiller.

With regard to claim 48, the above discussed circuit of Loughmiller meets all of the claimed limitations except for the limitation that the command react circuit (140 in instant Fig. 1) further comprising a third input for receiving a phase lock signal (PHLOCK), the phase lock signal being activated when the external and internal clock signals are synchronized. However, it would have been obvious to one of ordinary skill in the art to implement circuitry to generate a phase lock signal, as recited in claim 48, which is in each case optimally matched to its application. For example, implemented circuitry having the phase lock signal for activating a subsequent circuitry in the command react circuit when the external and internal clock signals are synchronized.

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Claims 49 and 75 are rejected for similar motivation; note the above discussion with regard to claim 41.

Claims 20, 28, and 39 are similarly rejected. Note the above discussion with regard to claim 48.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai L. Nguyen whose telephone number is 703-306-9178 and Right Fax number is 703-746-3951. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Callahan can be reached on 703-308-4876. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

HLN

August 19, 2003



TIMOTHY P. CALLAHAN
SUPERVISORY PATENT EXAMINER
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